

Message Text

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SUBJECT: OUTER SPACE LEGAL SUBCOMMITTEE: MARCH 18
AND 21MEETINGS.

1. SUMMARY: GENERAL DEBATE IN LEGAL SUBCOMMITTEE (LSC)
CONTINUED WITH STATEMENTS FROM FRANCE, FRG, IRAN, JAPAN,
ARGENTINA AND INDIA ON MARCH 18, AND ROMANIA, MEXICO AND
HUNGARY ON MARCH 21. END SUMMARY.

2. FRANCE (GEY) STATED IT WAS PREMATURE TO PREPARE A
REGIME FOR EXPLOITATION OF THE MOON'S NATURAL RESOURCES.
ON REMOTE SENSING, LINKED PROGRAM TO WORK OF STSC, STRESSED
NEED TO IMPROVE DRAFT PRINCIPLES, AND REFERRED TO USSR/FRENCH
DRAFT PRINCIPLES. ON DIRECT BROADCASTING FROM SATELLITE
(DBS) WHILE FAVORING PRIOR CONSENT, ALSO EXPRESSED DESIRE
FOR A BALANCE BETWEEN FREEDOM OF INFORMATION AND STATES'
NEEDS. ITU WARC WAS CITED AS TOPICAL AND RELEVANT. ADVO-
CATED DELIMITATION OF OUTER SPACE AS BEING INDISPENSABLE.

3. FRG (RUDOLPH) FELT LSC SHOULD CONTINUE TO CONCENTRATE
ON NATURAL RESOURCES ISSUE IN DRAFT MOON TREATY (TOM) USING
FREEDOM OF EXPLORATION AND EXPLITATION AS YARDSTICK FOR
ANY SOLUTION. ON DBS, STRSSED BELIEF THAT FREE FLOW OF
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INFORMATION AND OPINIONS IS BEST MEANS FOR ANY NATION TO
PRESENT ITSELF AND ITS CULTURAL IDENTITY TO OUTSIDE WORLD.
WHILE RECOGNIZING THE ACCEPTANCE OF CONCEPT OF PRIOR
AGREEMENT ON TECHNICAL ASPECTS OF DBS AS FORMULATED AT
ITI WARC, STATED THAT SUCH TECHNICAL AGREEMENTS CANNOT
BIND LSC IN DRAFTING APPROPRIATE POLITICAL PRINCIPLES.
ON REMOTE SENSING, REFERRED TO STSC'S WORK ON DEFINITIONS

AND STRESSED NEED TO GUARANTEE WIDEST POSSIBLE ACCESS TO THIS TECHNOLOGY BY MAINTAINING AN OPEN COLLECTION AND DISSEMINATION OF DATA AND INFORMATION POLICY. ON DEFINITION OF OUTER SPACE, REFERRED TO SECRETARIAT'S BACKGROUND PAPER (A/AC.105/C12/7/ADD.1) AND STATED BELIEF THAT IT IS PREMATURE TO SETTLE ON A DEFINITE SOLUTION.

4. IRANIAN DELEGATE SUPPORTED COMMON HERITAGE OF ALL MANKIND PRINCIPLE TO THE TOM. ON DBS, EMPHASIZED THAT ISSUE HAD BEEN OVERSIMPLIFIED AS FREE FLOW OF INFORMATION VERSUS ABSOLUTE STATE SOVEREIGNTY. EVERY EFFORT MUST BE MADE TO ACCOMMODATE RIGHTS OF BOTH RECEIVER AND BROADCASTER. ON REMOTE SENSING, REFERRED TO LEGITIMATE CONCERN OF MEMBER STATES OVER THEIR SOVEREIGNTY. NOTED THAT THE THRESHOLD OF SCIENTIFIC TECHNOLOGY WAS RAPIDLY ADVANCING, AND OPPORTUNITIES WERE AVAILABLE FOR MEMBER STATES TO PARTICIPATE IN ITS BENEFITS. STRESSED THAT DEFINITION/DELIMITATION OF OUTER SPACE WAS BASIC TO EVERY OTHER DELIBERATION OF LSC.

5. JAPAN (KATO) NOTED RECENT LAUNCH BY NASA OF JAPAN'S FIRST GEOSYNCHRONOUS SATELLITE, ETS-2. ON TOM, REFERRED TO BASIC POSITION STATED AT PREVIOUS LSC SESSIONS. ON DBS AND REMOTE SENSING, DEFERRED EXPLANATION OF POSITION TO A LATER TIME WITH CAVEAT THAT GUIDELINE SHOULD NOT PRECLUDE A WIDE ENJOYMENT OF THE BENEFITS OF THESE TECHNOLOGIES.

6. ARGENTINA (COCCA) POINTED, WITH APPROVAL, TO ATTENTION-
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DANCE OF COLOMBIA, GUYANA AND ECUADOR AT LSC. ON TOM, SUPPORTED INCLUSION OF A NATURAL RESOURCES PROVISION. ON DBS, EXPRESSED WILLINGNESS TO EXPLORE ISSUES IN DEPTH AND REFERRED TO NOVEMBER 1976 MONTEVIDEO CONFERENCE. ON REMOTE SENSING, REFERRED TO 1970 ARGENTINIAN DRAFT, 1974 DRAFT CO-SPONSORED BY ALL LATIN COUNTRIES, AND LANDSAT STATION CONSULTATION REQUIREMENT. SUPPORTED 100 KM POINT AS CORRECT SCIENTIFIC, LEGAL, AND POLITICAL CRITERION FOR DELIMITATION OF OUTER SPACE. DISCUSSED AT LENGTH SOLAR ENERGY AS AN ISSUE THAT SHOULD BECOME AN LSC AGENDA ITEM.

7. INDIA (JAIPAL) NOTED PARTICIPATION IN ATS-6 PROGRAM AND USSR LAUNCH OF FIRST INDIAN SATELLITE IN 1975. ON TOM, SUPPORTED INCLUSION OF COMMON HERITAGE OF MANKIND PROVISION, ESTABLISHMENT OF AN INTERNATIONAL REGIME OVER COMMERCIAL EXPLOITATION OF NATURAL RESOURCES, PROHIBITION AGAINST EXTRATERRESTIAL COLONIALISM, AND INCLUSION OF OTHER CELESTIAL BODIES. ON DBS SUPPORTED PRIOR CONSENT

AS BEING CONSISTENT WITH NON-INTERFERENCE IN STATES' INTERNAL AFFAIRS AND SOVEREIGNTY. ON REMOTE SENSING, STATED METEOROLOGICAL DATA SHOULD BE FREELY AVAILABLE, BUT NATURAL RESOURCES DATA SHOULD NOT BE DISSEMINATED WITHOUT PRIOR CONSENT.

8. CHAIRMAN WYZNER OPENED SECOND WEEK OF LSC SESSION ON MARCH 21 BY REVIEWING LAST YEAR'S WORK ON REMOTE SENSING. TUEK (AUSTRIA) THANKED LSC FOR NOMINATING HIM CHAIRMAN WG-III (REMOTE SENSING).

9. ROMANIAN DELEGATE ACCEPTED POSTPONING ESTABLISHMENT OF INTERNATIONAL REGIME FOR MOON'S NATURAL RESOURCES UNTIL EXPLOITATION BECOMES POSSIBLE AND SUPPORTED INCLUSION OF THE COMMON HERITAGE PRINCIPLE IN TOM. ON DBS, SUPPORTED PRIOR CONSENT; WITHOUT IT, FOREIGN BROADCASTING STATES OR COMMERCIAL ENTERPRISES COULD DOMINATE AND UNCLASSIFIED

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DESTROY CULTURAL IDENTITY OF RECEIVING STATES, SOW DISORDER AND HATRED, AND DENIGRATE NATIONAL ECONOMIC AND SOCIAL POLICIES. ON REMOTE SENSING, STRESSED REGULATION SHOULD BE BASED ON STATE SOVEREIGNTY, AND REFERRED TO STSC WORK ON DEFINITIONS. SAID PRINCIPLE ON DISSEMINATION OF NATURAL CATASTROPHE INFORMATION SHOULD BE FORMULATED. ON DEFINITION/DELIMITATION, STATED THAT IF SPACE POWERS CONTINUE TO USE SPACE TO DETRIMENT OF OTHER STATES, IT WOULD BE ESSENTIAL TO DEFINE LIMITS FOR THE PROTECTION OF DEVELOPING COUNTRIES.

10. MEXICO (LOPEZ)BASSOLS) SUPPORTED COMMON HERITAGE PRINCIPLE IN TOM AND ADVOCATED ESTABLISHMENT OF INTERNATIONAL REGIME TO REGULATE COMMERCIAL EXPLOITATION OF NATURAL RESOURCES. ON DBS, REFERRED TO 1976 MEXICAN PROPOSAL AND STRESSED NEED FOR PRIOR CONSENT, STATING THAT A STATES' FREEDOM OF INFORMATION POLICY CANNOT BE EXTENDED ACROSS BORDERS WITHOUT CONSENT OF RECEIVING STATES. ON REMOTE SENSING, EMPHASIZED THREE PRINCIPLES:
1) RESPECT FOR PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES;
2) STATES' RIGHT OF ACCESS TO INFORMATION; AND
3) PRIOR AND EXPLICIT CONSENT OF SENSED STATE, AND ITS PARTICIPATION IN SENSING ACTIVITIES. NOTED 1976 MONGOLIAN REPORT. ON DEFINITION/DELIMITATION, STATED IT MAY BE WISE TO SPELL OUT LEGAL CRITERIA NOW.

11. HUNGARY (HAERASZTI) HOPED THAT ALL DELEGATIONS WOULD EXERT AN EFFORT TO REACH A COMPROMISE ON TOM. ON DBS, COULD NOT ACCEPT THAT TECHNICAL RULES FORMULATED BY ITU WARC RENDERED SUPERFLUOUS FURTHER LSC CONSIDERATION OF PRIOR CONSENT PRINCIPLE. ON REMOTE SENSING, SUPPORTED USSR VIEW ON CUTOFF POINT BASED ON RESOLUTION CRITERION

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